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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AXCESS GLOBAL SCIENCES, LLC,

Plaintiff,

v.

REVOLUTION LABORATORIES LLC d/b/a  
REVLBSL REV LABS DISTRIBUTION  
LLC; and REV LABS MANAGEMENT INC.,

Defendants.

**Case No. 2:23-cv-01169-JAD-MDC**

**PLAINTIFF'S UNOPPOSED MOTION TO  
EXTEND DEADLINE TO FILE MOTION  
FOR DEFAULT JUDGMENT**

**(First Request)**

Plaintiff Axxcess Global Sciences, LLC ("Plaintiff" or "AGS") respectfully moves the Court, pursuant to LR 26-3 and LR IA 6-1, to extend the deadline for the filing of Plaintiff's motion for default judgment. The Parties are engaged in productive settlement discussions and request an extension of 60-days to allow those discussions to continue. The Defendants (who have not yet appeared in the litigation) are participating in those discussions and do not oppose this motion, such that Plaintiff does not expect that Defendants will file a response in opposition to this motion.

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For these reasons and the reasons that follow, Plaintiff respectfully submits that good cause exists to grant the extension requested herein.

Dated this 22nd day of November, 2024.

**SPENCER FANE LLP**

/s/ Jessica M. Lujan

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*Attorneys for Plaintiff*

### MEMORANDUM OF POINTS AND AUTHORITIES

LR 26-3 and LR IA 6-1 set forth the requirements that a party must follow to move for an extension of any deadline set by “the discovery plan, scheduling order, or **other order**”. LR 26-3 (emphasis added). Specifically, LR 26-3 and LR IA 6-1 require a showing of good cause for any extension requested prior to the expiration of the subject deadline. For the following reasons, good cause exists to grant the instant motion.

On February 14, 2024, after the Clerk’s Entry of Default,<sup>1</sup> the Plaintiff moved the Court for partial entry of default judgment against the Defendants and for leave to conduct discovery regarding damages.<sup>2</sup> On June 28, 2024, the Court Ordered Plaintiff to submit a proposed order granting both motions.<sup>3</sup> Thereafter, the Court entered an Order granting Plaintiff’s motion for partial default judgment and for post-judgment discovery.<sup>4</sup> In the Court’s Order, it allowed that

<sup>1</sup> (ECF No. 16).

<sup>2</sup> (ECF Nos. 18, 19).

<sup>3</sup> (ECF No. 20).

<sup>4</sup> (ECF No. 24).

1 Plaintiff could serve its requested post-judgment discovery and ordered that the Plaintiff must file  
2 its motion for default judgment on or before November 22, 2024.<sup>5</sup>

3 Thereafter, the Defendants' counsel reached out to Plaintiff to discuss the litigation and to  
4 request that the Plaintiff agree to set aside the default. The Plaintiff and Defendants then began  
5 settlement discussions aimed at an amicable resolution of this litigation. Those discussions are  
6 ongoing and productive. Plaintiff has provided Defendants with its settlement proposal and a  
7 request for information relevant to settlement. To allow these settlement discussions to proceed—  
8 before the submission of Plaintiff's motion for default judgment—Plaintiff requests a 60-day  
9 extension of its November 22, 2024 deadline to submit any motion for default judgment.  
10 Defendants' counsel (who has not appeared in this litigation) does not oppose this request.

11 Thus, Plaintiff requests an extension of 60-days to allow the Parties to discuss and  
12 hopefully conclude a settlement. If the Parties are unable to resolve the litigation through a  
13 settlement, the Parties shall provide a status report on or before January 21, 2025.

14 Dated this 22nd day of November, 2024.

15 **SPENCER FANE LLP**

16 */s/ Jessica M. Lujan*

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24 *(Pro Hac Vice Forthcoming)*

25 *Attorneys for Plaintiff*

26 **ORDER**

27 IT IS SO ORDERED.

28   
Hon. Maximiliano D. Couvillier III  
United States Magistrate Judge  
Date: 11/25/24

<sup>5</sup> *(Id.)*.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22nd day of November, 2024, I electronically filed the foregoing **PLAINTIFF'S UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE MOTION FOR DEFAULT JUDGMENT (First Request)** with the Clerk of the Court using the ECF system which served the parties hereto electronically.

Dated this 22nd day of November, 2024.

/s/ Norma S. Moseley

An employee of **SPENCER FANE LLP**

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